

**UNITED STATE BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION**

IN RE:

**LORRAINE BARBEE GREEN
DEBTOR**

**CASE NO. 10-82068
CHAPTER 13**

OBJECTION TO CONFIRMATION

COMES NOW, Wells Fargo Bank, NA (hereinafter “Creditor”), a secured creditor in the above captioned case, by and through undersigned counsel, Brock & Scott, PLLC, and hereby objects to the treatment of Creditor’s lien per the terms on the proposed plan filed by Debtor on May 11, 2011. The Objection is supported as follows:

1. On November 9, 2010, the Debtor filed a petition with the Bankruptcy Court for the Middle District of North Carolina under Chapter 13 of Title 11 of the United States Code.
2. This Court has jurisdiction over this proceeding pursuant to 28 USC §§ 1334 and 157.
3. Creditor holds a first position lien on real property (hereinafter “Collateral”) described in that Deed of Trust recorded in the Durham County Register of Deeds at Book 6339 at Page 703 and recorded on October 9, 2009 (hereinafter “Deed of Trust”) with an address of 1911 Edgerton Drive, Durham, NC 27703. A copy of the Deed of Trust is attached hereto and is incorporated herein as Exhibit “A”.
4. Creditor holds a Promissory Note secured by the Deed of Trust from the Debtor in the original principal amount of \$157,528.00 and dated October 2, 2009 (hereinafter “Note”). A copy of the Note is attached hereto and incorporated herein as Exhibit “B”.
5. The Debtor’s proposed plan under “VIII. Special Provisions” states their intention to allow the Creditor a secured claim in the amount of \$109,995.00 and all the balance of the claim as unsecured.
6. Debtor’s plan impermissibly seeks to modify Creditor’s rights in the collateral in violation of the anti-modification provision of 11 U.S.C. §1322(b)(2).

WHEREFORE, Wells Fargo Bank, NA prays the Court grant the following relief:

1. Set this matter for hearing at a date and time later to be determined by the Court.
2. Require Debtor's Plan be modified to provide for Creditor as fully secured.
3. For such other and further relief that the Court may deem necessary and proper.

This, the 13th day of May, 2011.

BROCK AND SCOTT, PLLC

/s/Sean M. Corcoran
Sean M. Corcoran
Attorney for Movant
5121 Parkway Plaza Drive, Suite 300
Charlotte, NC 28217
(704) 369-0676
State Bar Number 33387

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CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury that he/she is over eighteen (18) years of age and that the OBJECTION TO CONFIRMATION in the above captioned case were this day served upon the below named persons by mailing, postage prepaid, first class mail a copy of such instrument to each person(s), parties, and/or counsel at the addresses shown below:

Lorraine Barbee Green
1911 Edgerton Dr.
Durham, NC 27703

Mr. John T Orcutt
Via electronic notice

Mr. Richard M. Hutson, II
Via electronic notice

This the 13th day of May, 2011.

Brock and Scott, PLLC

/s/ Sean M. Corcoran

Sean M. Corcoran

Attorney for Movant

Brock & Scott, PLLC

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